



Agenda Item 5

**FORMATION OF VEHICULAR
ACCESS AT 42 LARBERT ROAD,
BONNYBRIDGE, FK4 1EE FOR MISS
NICOLA FOSTER - P/18/0479/FUL**

FALKIRK COUNCIL

Subject: FORMATION OF VEHICULAR ACCESS AT 42 LARBERT ROAD, BONNYBRIDGE, FK4 1EE FOR MISS NICOLA FOSTER - P/18/0479/FUL
Meeting: PLANNING COMMITTEE
Date: 24 JANUARY 2019
Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost William Buchanan
Councillor Niall Coleman
Councillor David Grant

Community Council: Bonnybridge Community Council

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

UPDATE REPORT FOLLOWING COMMITTEE SITE VISIT

1. Members will recall that this application was originally considered by the Planning Committee on 21 November 2018 (copy of previous report appended), when it was agreed to continue the application for a site visit. This site visit took place on Monday 3 December 2018.
2. Following a summary of the proposal by the case officer, the applicant spoke in support of the proposal. The applicant advised that her neighbours wish to create driveways within the front garden ground of their properties. The applicant expressed the view that if this were done then all cars would be removed from the lay-by/parking area and there would therefore be no visibility issues. Whilst it is accepted that this could be the case, this is not the proposal which is before Planning Committee at this time. No enquiries relating to the neighbouring proposals have been received by the Planning Authority and as such no assessment has been made in respect of the potential road safety implications in each case. It should be noted that the neighbouring gardens referred to are smaller in size than the current application site, and therefore turning provision may be problematic and unachievable in each case.

3. Members of the Committee and Local Elected Members raised a series of matters. This included that removal of the lay-by provision would restrict parking availability generally within the wider area. The applicant responded to state that the lay-by parking is currently only used by the residents in the houses immediately adjacent, and by forming the driveways this would, in her view, result in a net improvement in road safety. Clarification was also sought in relation to the proposed vehicle turning area dimensions. The Roads Officer clarified that the dimensions proposed would be acceptable to allow the parking and turning of a single vehicle but that if the space was occupied by more than one vehicle then turning would not be possible. When questions arose in relation to reversing manoeuvres, the applicant clarified that, currently, reversing manoeuvres are required in order to complete a parallel park within the existing lay-by. The applicant is of the opinion that a reversing manoeuvre required to access a driveway in this location would be no more dangerous or difficult to carry out.
4. Councillor Coleman, a local member, expressed an understanding of officers' concerns in relation to road safety but cited examples within the surrounding area where similar manoeuvres are carried out on a regular basis.
5. It is considered that no new matters have emerged from the site visit that would alter the officer recommendation to refuse planning permission. The previous recommendation is therefore reiterated as follows:-

6. RECOMMENDATION

6.1 It is therefore recommended that the Planning Committee refuse planning permission for the following reason(s):-

1. **The proposal would result in the formation of a driveway access with poor visibility to the detriment of road safety. The proposal is contrary to the terms of Policy HSG07(3) - Residential Extensions and Alterations of the Falkirk Local Development Plan.**

Informative(s):-

1. **For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 05 inclusive.**

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pp Director of Development Services

Date: 15 January 2019

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Proposed Falkirk Local Development Plan 2.
3. Scottish Planning Policy (SPP).
4. Support received from Mr George MacFarlane, 46 Larbert Road, Bonnybridge, FK4 1EE on 14 September 2018.

FALKIRK COUNCIL

Subject: FORMATION OF VEHICULAR ACCESS AT 42 LARBERT ROAD, BONNYBRIDGE, FK4 1EE FOR MISS NICOLA FOSTER - P/18/0479/FUL

Meeting: PLANNING COMMITTEE

Date: 21 November 2018

Author: DIRECTOR OF DEVELOPMENT SERVICES

Local Members: Ward - Bonnybridge and Larbert

Provost William Buchanan
Councillor Niall Coleman
Councillor David Grant

Community Council: Bonnybridge Community Council

Case Officer: Kevin Brown (Planning Officer), Ext. 4701

1. DESCRIPTION OF PROPOSAL / SITE LOCATION

- 1.1 This application proposes the formation of a vehicular access and parking area in the front garden of an end terrace property at 42 Larbert Road, Bonnybridge. The proposed driveway would take access directly from a lay-by parking area on the south side of Larbert Road.

2. REASON FOR COMMITTEE CONSIDERATION

- 2.1 The application was called in by Provost William Buchanan to allow full consideration and scrutiny of road safety concerns.

3. SITE HISTORY

- 3.1 P/15/0767/FUL - Application Returned - Formation of Vehicle Access.
- 3.2 P/17/0208/FUL - Refused -21 August 2017 - Formation of Vehicular Access.

4. CONSULTATIONS

- 4.1 The Roads Development Unit raise concerns that vehicles would be accessing/egressing the site between parked vehicles which would not be in the best interests of road safety.
- 4.2 The Environmental Protection Unit have no objections.

5. COMMUNITY COUNCIL

- 5.1 The Denny and District Community Council has not commented on this application.

6. PUBLIC REPRESENTATION

- 6.1 During consideration of the application, one letter of support was received, referring to road safety benefits from reduced on-street parking, including double parking, and improved visibility when exiting driveway.

7. DETAILED APPRAISAL

Under section 25 of the Town and Country Planning (Scotland) Act 1997, as amended, the determination of planning applications for local and major developments shall be made in accordance with the Development Plan unless material considerations indicate otherwise.

Accordingly,

7a The Development Plan

- 7a.1 The Falkirk Local Development Plan was adopted on 16 July 2015. It includes a number of supplementary guidance documents which also have statutory status as part of the Development Plan. There are no policy considerations in terms of the Falkirk Local Development Plan.

- 7a.2 Policy HSG07 - Residential Extensions and Alterations states:-

Extensions and alterations to residential properties will be permitted where:

- 1. The scale, design and materials are sympathetic to the existing building;*
- 2. The location and scale of the extension or alterations will not significantly affect the degree of amenity, daylight or privacy enjoyed by neighbouring properties; and*
- 3. It will not result in overdevelopment of the plot, thereby giving rise to adverse impacts on the functioning of garden ground, unacceptable loss of off-street parking, or road safety issues.*

Proposals should comply with the detailed guidance on these criteria set out in the Supplementary Guidance SG03 'Residential Extensions and Alterations'

- 7a.3 The proposal would have a minimal impact on the visual amenity of the area and would not impact adversely upon residential amenity levels. The Roads Development Unit has expressed concerns over the potential road safety impact of the proposal given that vehicles would need to access the site between parked cars with poor visibility as a result. A similar parking bay further east along Larbert Road currently operates with this arrangement. However these driveways are historic and do not benefit from any recent planning permission or minor roadworks consent.
- 7a.4 The proposal is therefore contrary to the terms of Policy HSG07 - Residential Extensions and Alterations of the Falkirk Local Development Plan.

7b Material Considerations

The material considerations to be assessed are consideration of the site in relation to coal mining legacy, responses to consultation, representations received and the proposed Falkirk Local Development Plan 2 (FLDP2).

Responses to Consultation

- 7b.1 The Roads Development Unit has advised that they would not favour the development proposed as it would mean vehicles would be accessing/egressing the site onto the public road between parked vehicles and hence with reduced visibility to the potential detriment of road safety.
- 7b.2 The applicant has expressed the view that the proposal would however reflect similar dropped kerb vehicular accesses in the area where access is provided between parked cars, both in layby arrangements and through informal on street parking arrangements.
- 7b.3 Whilst the proposed turning area does represent an improvement over the previously refused layout, this does not overcome the concerns relating to visibility at the point where the driveway meets the public road.
- 7b.4 The Roads Development Unit have previously advised that the driveways within a layby to the east of the site are historic and have not been the subject of a planning assessment or minor roadworks consent applications. Assessment of records also indicates that there are very few instances where support has been given to this type of driveway arrangement on such a busy road.

Representations Received

- 7b.5 Comments in support of the application are noted, but are not substantiated by the Roads Development Unit.

Emerging Local Development Plan

- 7b.6 The current Falkirk Local Development Plan is in the process of being replaced by a new plan, the Proposed Falkirk Local Development Plan 2 (LDP2). LDP2 has been approved by the Council for consultation. The consultation period runs from 27 September 2018 to 23 November 2018. Following consideration by Scottish Ministers of representations received it is expected that LDP2 will be adopted in 2020, at which point it will replace the current Falkirk Local Development Plan. LDP2 provides the most up to date indication of Falkirk Council's views in relation to Development Plan policy and constitutes a material consideration in the determination of planning applications. In the case of this particular application, the proposed plan in its current form does not introduce any new policy considerations or land use allocations which justify a grant of planning permission in this instance.

Consideration of the Site in relation to Coal Mining Legacy

- 7b.7 The application site falls within or is partially within the Development High Risk Area as defined by the Coal Authority. It is recognised that flexibility and discretion are necessary parts of the planning system and as such there may be exemptions to the requirement for a desk based Coal Mining Risk Assessment within the Development High Risk Area.
- 7b.8 Exemption can be on the grounds of the type of application or the nature of development. Only one of these needs to be met to exempt the need for a desk based Coal Mining Risk Assessment and also the consequential need for the Council to consult the Coal Authority. This proposal is considered to fall into one of these exempt groups, but ground conditions should still be considered as part of the Building Standards process, if relevant.
- 7b.9 Where planning permission is to be granted, an appropriate informative note appears on the Decision Notice.

7c Conclusion

- 7c.1 The proposal is an unacceptable form of development as it would have a detrimental impact upon road safety due to limited/poor visibility and is therefore contrary to the terms of the Development Plan. There are no material planning considerations that justify a grant of planning permission in this instance.

8. RECOMMENDATION

- 8.1 It is recommended to refuse planning permission for the following reason(s):-
1. The proposal would result in the formation of a driveway access with poor visibility to the detriment of road safety. The proposal is contrary to the terms of Policy HSG07(3) - Residential Extensions and Alterations of the Falkirk Local Development Plan.

Informative(s):-

1. For the avoidance of doubt, the plan(s) to which this decision refer(s) bear our online reference number(s) 01 - 05 inclusive.

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pp Director of Development Services

Date: 12 November 2018

LIST OF BACKGROUND PAPERS

1. Falkirk Local Development Plan.
2. Proposed Falkirk Local Development Plan 2.
3. Scottish Planning Policy (SPP).
4. Support received from Mr George MacFarlane, 46 Larbert Road, Bonnybridge, FK4 1EE on 14 September 2018.

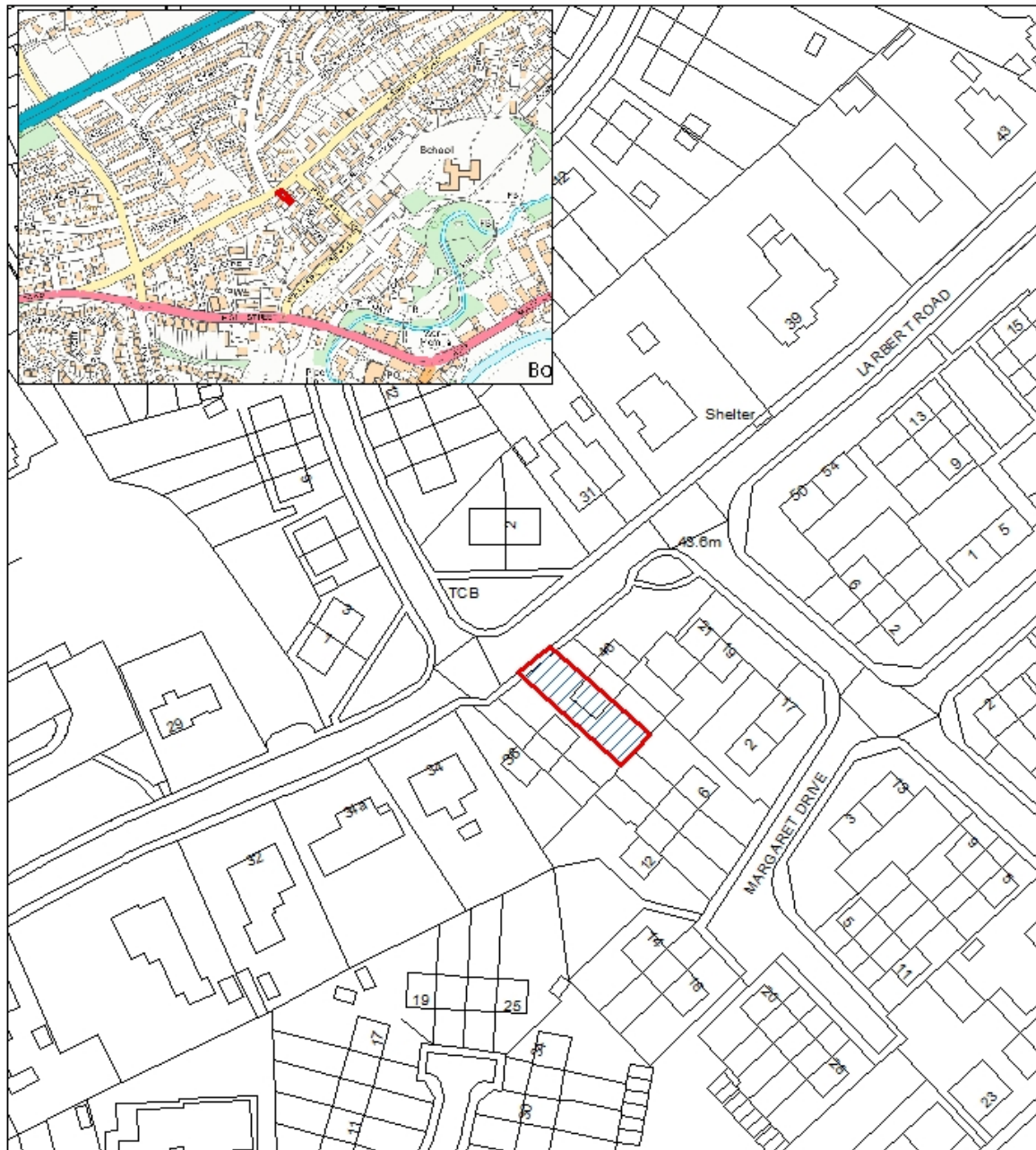
Any person wishing to inspect the background papers listed above should telephone Falkirk 01324 504701 and ask for Kevin Brown, Planning Officer.

Planning Committee

Planning Application Location Plan

P/18/0479/FUL

This plan is for location purposes only. It should not be interpreted as an exact representation of the application site.



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